

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)
TERRY W. ANDERSON,)
License No. LRA-135,)
Respondent.)

Case Nos. REA-P3-01-99-020

**STIPULATED REPRIMAND
AND CONSENT ORDER**

REA\Anderson\P2072lwa

WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Terry W. Anderson (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of real estate appraisals in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

2. Respondent Terry W. Anderson is a licensee of the Idaho State Board of Real Estate Appraisers under License No. LRA-135 to engage in the practice of real estate appraisals. Respondent's continued right to licensure is subject to Respondent's compliance with the Idaho Real Estate Appraiser Act codified at title 54, chapter 41, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.18.01.

3. Appraisals in the State of Idaho must comply with the minimum standards set forth in the Uniform Standards of Professional Appraisal Practices ("USPAP").

4. On or about December 30, 1996, Respondent prepared an appraisal report for the property located at NNA Second Avenue, Lots 3 and 4, Block 3, in Colburn, Idaho.

5. The appraisal report failed to meet the following requirements of USPAP Standards (1996):

a. The workfile failed to contain sufficient information to support the findings and conclusions of the report (*e.g.*, the workfile did not contain sales records, MLS data, Marshall and Swift records or worksheets, or a record search of previous sales), in violation of Ethics Rule, Recordkeeping Section;

b. The exposure time is not clearly identified; marketing time is indicated as three to six months but two of the three sales used were over six months old, and a statement in the narrative states that "lack of sales in the subject area made it necessary to expand search parameters," in violation of Standards Rule 1-2(b);

c. The report contains inadequate analysis and support for the land value, in violation of Standards Rule 1-4(a), 2-1(b) and 2-2(b)(viii);

d. The report fails to present Marshall and Swift calculations for the one-year-old residence, in violation of Standards Rules 1-4(b)(i), 1-4(h), 2-1(b) and 2-2(b)(viii);

e. Adjustments to the comparables are not clearly supported and are inconsistent, in violation of Standards Rules 1-4(b)(iii), 2-1(a) and (b) and 2-2(b)(viii); and

f. The report failed to consider and analyze a prior sale that occurred within one year, in violation of Standards Rule 1-5(b)(i).

6. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraisals, specifically Idaho Code § 54-4107(e) and IDAPA 24.18.01.700. Violations of these laws and rules would further

constitute grounds for disciplinary action against Respondent's license to practice real estate appraisals in the State of Idaho.

7. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

B.

I, Terry W. Anderson, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice real estate appraisals in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraisals in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent is reprimanded by the Board for failure to ensure that the appraisal report of the Subject Property complied with USPAP Standards.

2. Respondent shall pay to the Board an administrative fine in the amount of Five Hundred and No/100 Dollars (\$500.00) within thirty (30) days of the entry of the Board's Order.

3. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.

4. The violation of any of the terms of this Stipulation by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D.

1. It is hereby agreed between the parties that this Stipulation shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulation, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of the Board to hear the disciplinary complaint if, after review by the Board, this Stipulation is rejected.

3. If the Stipulation is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulation will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulation and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this Stipulation and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulation and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulation and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for

settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 24th day of JUNE, 2002.

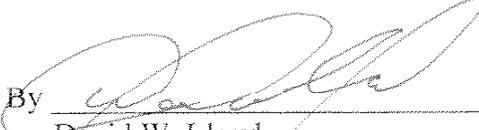


Terry W. Anderson
Respondent

I concur in this stipulation and order.

DATED this 27th day of JUNE, 2002.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 

David W. Lloyd
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 16th day of July, 2002. **IT IS SO ORDERED.**

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By 

Stanley Moe, Chair

CERTIFICATE OF SERVICE

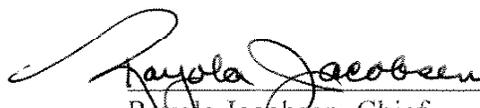
I HEREBY CERTIFY that on this 26th day of July, 2002, I caused to be served a true and correct copy of the foregoing by the following method to:

Terry W. Anderson
P.O. Box 42
Post Falls, ID 83854

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: _____
- Statehouse Mail

David W. Lloyd
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- U.S. Mail
- Hand Delivery
- Certified Mail, Return Receipt Requested
- Overnight Mail
- Facsimile: _____
- Statehouse Mail



Rayola Jacobsen, Chief
Bureau of Occupational Licenses

STATE OF IDAHO
DEPARTMENT OF SELF-GOVERNING AGENCIES
 Bureau of Occupational Licenses
 Owyhee Plaza
 1109 Main Street, Suite 220
 Boise, Idaho 83702-5642

CERTIFIED MAIL



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return this card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MERRY W ANDERSON
 1301 N RAMSEY RD TRIR C45
 COEUR D ALENE ID 83815

7000 1530 0005 5350 0131
 2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery 8/19/02

C. Signature [Signature] Agent Addressee
 D. Is delivery address different from item 1? Yes No
 If YES, Center delivery address below:

AUG 19 2002

3. Service Type USPS
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

102566-99-M-789

Domestic Return Receipt

PS Form 3811, July 1999

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

0 Certified Order U S E

Postage \$ _____
 Certified Fee \$ _____
 Return Receipt Fee (Endorsement Required) \$ _____
 Restricted Delivery Fee (Endorsement Required) \$ _____
 Total Postage & Fees \$ _____

Sent To Terry W. Anderson
1301 N. Ramsey Rd. # C45
Coeur d'Alene, Id. 83815

PS Form 3800, May 2000 See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF RETURN ADDRESS. FOLD AT DOTTED LINE